

## RULEMAKING NOTICE FORM

Notice Number

**2016-65**

Rule Number

**He-W 549.04(a) intro and  
(a)(1); He-W 549.07(a) intro,  
(a)(2) intro and (a)(2)b.**

1. Agency Name & Address:

**NH Dept. of Health & Human Services  
Office of Medicaid Business and Policy  
129 Pleasant Street  
Concord, NH 03301**

2. RSA Authority:

**RSA 161:4-a, X**

3. Federal Authority:

**42 USC 1396, 42 USC 702**

4. Type of Action:

Adoption

Amendment

Repeal

Readoption

Readoption w/amendment

**X**

5. Short Title: **Home Visiting New Hampshire and Child/Family Health Care Support Services**

6. (a) Summary of what the rule says and of any proposed amendments:

**The Home Visiting New Hampshire and Child/Family Health Care Support Services rule (He-W 549) describes the Medicaid program requirements which provide eligible pregnant women and children additional services for the purpose of improving birth outcomes, parenting skills, and ensuring children's health and well-being.**

**Changes to the rule are as follows:**

- **Section 549.04(a)(1) is being amended to include that providers of Child/Family Health Care Support Services can be under contract with Division for Children, Youth and Families (DCYF). Two such providers are currently under contract with DCYF for the provision of these services, but they are not permitted to be reimbursed by Medicaid for such services until such time as this rule is amended.**
- **Section 549.07(a)(2)b. is being amended to add licensed clinical mental health counselors to the list of providers allowed to approve, date, and sign the plan of care. This change allows providers to utilize current agency staff for this purpose and not secure such services outside the agency.**

6. (b) Brief description of the groups affected:

**This proposal affects all Medicaid enrolled providers of Home Visiting New Hampshire and Child/Family Health Care Support Services, particularly those providers who are under current contract with DCYF to provide such services. This rule also affects Medicaid recipients receiving such services.**

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

<b>Rule</b>	<b>Federal Reg./RSA</b>
He-W 549.04(a) intro and (a)(1)	RSA 326-B:1; RSA 326-B:10; RSA 326-B:6; RSA 326-H:12; 42 CFR 440.166; 42 CFR 440.60(a)
He-W 549.07(a) intro, (a)(2) intro and (a)(2)b.	RSA 132:12

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Michael Holt**

Title: **Rules Coordinator**

Address: **Dept. of Health and Human Services  
Administrative Rules Unit  
129 Pleasant St.  
Concord, NH 03301**

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TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

**The proposed rules may be viewed and downloaded at:**

<http://www.dhhs.nh.gov/oos/aru/comment.htm>

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Thursday, June 2, 2016**

☒ Fax

☒ E-mail

☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Thursday, May 26, 2016 at 11:00 AM**

Place: [\*\*DHHS Brown Bldg., Room 232, 129 Pleasant St., Concord, NH\*\*](#)

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # **16:070**, dated **04/21/16**

**1. Comparison of the costs of the proposed rule(s) to the existing rule(s):**

When compared to the existing rules, the proposed rules will increase state general fund expenditures and result in benefits to independently-owned businesses to the extent that they provide child and family health care support services and are able to be reimbursed by Medicaid as a result of the proposed rule.

**2. Cite the Federal mandate. Identify the impact of state funds:**

No federal mandate, no impact on state funds.

**3. Cost and benefits of the proposed rule(s):**

The Home Visiting New Hampshire and Child/Family Health Care Support Services rule (He-W 549) describes the program requirements which provide eligible pregnant women and children with additional services for the purpose of improving birth outcomes, parenting skills, and ensuring children's health and well-being. The Department proposes to amend He-W 549.04(a)(1) to specify that providers of child/family health care support services can be under contract with the Division for Children, Youth, and Families (DCYF). Two such providers are currently under contract with DCYF for the provision of these services, but they are not permitted to be reimbursed by Medicaid for such services until this rule is amended. The Department also proposes to amend He-W 549.07(a)(2)b to add licensed clinical mental health counselors to the list of providers allowed to approve, date, and sign the plan of care. This change will allow providers to utilize current agency staff for this purpose and not secure such services outside the agency.

**A. To State general or State special funds:**

By allowing providers to seek Medicaid reimbursement for services provided, the proposed rule will increase state expenditures, since Medicaid expenditures are funded 50 percent with state general fund dollars. Agencies providing services are restricted to 12 billing units of service per eligible client per state fiscal year, which equates to \$180 per client per fiscal year. The agencies currently serve a combined total of 43 clients.

**B. To State citizens and political subdivisions:**

None.

**C. To Independently owned businesses:**

Independently owned businesses will receive a benefit to the extent they provide child and family health care support services and are able to be reimbursed by Medicaid as a result of the proposed rule.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

**The proposed rules modify an existing program or responsibility, but do not mandate any fees, duties or expenditures on the political subdivisions of the state, and therefore do not violate Part I, Article 28-a of the N.H. Constitution.**

PART He-W 549 HOME VISITING NEW HAMPSHIRE AND CHILD/FAMILY HEALTH CARE  
SUPPORT SERVICES

**Amend He-W 549.04(a)(1), effective 3-1-12 (Document #10092), so that He-W 549.04(a) intro and (a)(1) are cited and read as follows:**

He-W 549.04 Provider Participation.

(a) Each participating provider shall:

(1) Be under current services contract obligation:

a. With the maternal and child health (MCH) section of the NH division of public health services;~~or~~

b. With the special medical services (SMS) section of the NH division of community based care services, as a Title V agency; or

c. With the department's division for children, youth, and families (DCYF) for home visiting.

**Amend He-W 549.07(a)(2)b., effective 3-1-12 (Document #10092), so that He-W 549.07(a) intro, (a)(2) intro and (a)(2)b. are cited and read as follows:**

He-W 549.07 Required Documentation.

(a) The plan of care shall include:

(2) The plan of care shall be approved, dated, and signed by:

b. A physician, APRN, LCSW, psychologist, associate psychologist, licensed clinical mental health counselor, or licensed marriage and family therapist, when the plan of care does not contain a nursing component; and

**APPENDIX**

<b>RULE</b>	<b>STATE OR FEDERAL STATUTE THE RULE IMPLEMENTS</b>
He-W 549.04(a) intro and (a)(1)	RSA 326-B:1; RSA 326-B:10; RSA 326-B:6; RSA 326-H:12; 42 CFR 440.166; 42 CFR 440.60(a)
He-W 549.07(a) intro, (a)(2) intro and (a)(2)b.	RSA 132:12